

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 65**

**AS AMENDED BY ORDINANCE NO. 94 AND NO. 171**

**SOLID WASTE**

**Section 65 – 01. Purpose**

An ordinance to regulate and safeguard the health of the people of the Charter Township of Superior providing a sanitary and satisfactory method for the preparation, collection, and disposal of municipal refuse; to prevent an accumulation of garbage and rubbish in the Township in a manner injurious to the people's health and welfare; to maintain public and private property in a clean and sanitary condition for the health and safety of the community; to provide for the licensing of private collectors of refuse; to regulate the collection, transportation, and disposal of municipal refuse, industrial refuse and residential refuse as defined herein and to authorize the making of a contract to accomplish the same.

**Section 65-02. Definitions**

The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively subscribed to them in this section.

1. "TOWNSHIP" where used herein shall mean the area encompassed by the geographical boundaries of the Charter Township of Superior, Washtenaw County, Michigan.
2. "SUPERVISOR" shall mean the duly elected or acting supervisor of the Charter Township of Superior.
3. "SUPERINTENDENT" shall mean a person appointed as a superintendent under the provisions of the Charter Township Act with the functions and, duties as therein provided.
4. "CLERK" shall mean the duly elected or acting Clerk of the Charter Township of Superior.
5. "TOWNSHIP CONTRACTOR" shall mean a private individual, firm, partnership or corporation collecting and disposing of municipal refuse pursuant to a duly authorized and executed agreement or contract with the Charter Township of Superior, to provide such services at a certain rate or price.
6. "PRIVATE COLLECTOR" shall mean any person, persons, firm, partnership or corporation to whom has been issued a private collector's license. This term shall not refer to the Charter Township of Superior's Contractor.

7. "MUNICIPAL REFUSE" shall mean the solid wastes of residential, professional and business establishments in the Charter Township of Superior as distinguished from liquid wastes (sewage) and gas wastes (smoke and industrial fumes). This term shall include garbage, rubbish and dead animals, but shall not be construed to include abandoned automobiles. Municipal refuse shall not include tree stumps in excess of fifty (50) pounds in weight.

8. "GARBAGE" shall include all refuse and waste accumulation of animal, food or vegetable matter resultant from the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruits and vegetables including spoiled food, it is composed largely of organic matter and its natural moisture content and does not include more than a minimum amount of free liquids. This term does not include food-processing wastes from canneries; slaughter houses, packing plants, or similar industries, large quantities of condemned food products, or oyster or clam shells. Garbage originates primarily in the kitchen, cafeterias, stores, markets, restaurants, hotels and other places where food is served, prepared or stored.

9. "RUBBISH" shall mean all other solid wastes not included in the definition of garbage. It consists of a great variety of both combustible and non-combustible waste materials from households, stores, and institutions, including paper, boxes, baskets, leaves, wood, rags, household furniture, old shoes, leather, carpets, grass, tin cans, rubber, and ashes and similar discarded, offensive materials and trash.

10. "CONSTRUCTION RUBBISH" shall include all waste, excess and discarded materials resulting from building construction and/or repair.

11. "INDUSTRIAL RUBBISH" shall include all refuse, waste and discarded materials resulting from the operation of industrial plants and establishments.

**Section 65-03. License Required**

It shall be unlawful for any persons, firm or corporation other than the Township or Township contractors to engage in the business of collecting municipal industrial refuse, building refuse, garbage or rubbish as hereinafter defined in the Charter Township of Superior without first obtaining a license therefore as hereinafter provided.

**Section 65-04. Administration**

The operation and administration of this ordinance shall be under the direction of the Township Board. It shall be the duty of the Supervisor of the Charter Township of Superior, through his proper agents and officers to enforce the provisions of this ordinance, and to make rules and regulations for the administration of the same.

**Section 65-05. Municipal Contract for Refuse Collection Authority**

Whenever in the judgment of the Township Board such action may be necessary or advisable, they may determine to have the Township enter into a contract or contracts and to grant a license or franchise to such persons as it may deem best able to collect residential, municipal refuse in

the Township in accordance with the best interest of the Township and its citizens. The contract shall be for such term as they may determine, but not to exceed in any instance five (5) years, and such contract may be, but need not be, exclusive, and the Township Board may authorize the making on the part of the Township of one or more contracts and if they determine it necessary, may limit such contract to a certain part of the Township or to certain types of premises, such as residential, commercial, and industrial.

**Section 65-06. Application for License or Franchise**

Every person, firm, or corporation request required to obtain a license or franchise for the collection, removal, and transportation of commercial municipal refuse, building refuse, industrial refuse, garbage or rubbish shall make applications to the Township Clerk and state such facts as may be required for the granting of such license or franchise including the following:

- A. The full names, business and residence addresses, and telephone numbers of all owners, officers, and managers of the applicant's business.
- B. The name, address, and telephone number of applicant's business.
- C. The route, districts, or territories within which applicant proposes to make such collection or removal of garbage and/or rubbish, and the day of week, and disposal site should be designed at the time of application for license.
- D. A description of the vehicles and equipment the applicant proposes to use in such collection, removal and transportation.
- E. Such other information as may be required by the Township Board. No license shall be granted to any applicant therefore with all of the laws of the State of Michigan, Ordinances of the Charter Township of Superior, and approved rules and regulations of the Supervisor, pertaining to the collection, removal and transportation of municipal refuse, garbage or rubbish, nor shall such a license be issued until the application therefore has been referred to and approved by the Township Supervisor or his representative and until such applicant has paid to the Township Clerk a license fee according to a schedule adopted by a resolution of the Township Board, and has deposited with the Township Clerk a bond as required by the provisions of this Ordinance. The Township Clerk shall issue a license when all of the provisions of this Ordinance have been complied with satisfactorily.
- F. No license, franchise, or contract issued, granted or entered into with any contractor under the provisions of this Ordinance shall be assignable or sublet without the express written permission of the Township Supervisor.

**Section 65-07. Bond and Insurance**

A. Each application for a license shall be accompanied by evidence of a bond and its amount to the Township Clerk. Any persons aggrieved by the action of any private collector licensee shall have a right of action on the bond for the recovery of the damages. Such bond shall remain in full force and effect for a period of ninety (90) days after the expiration or cancellation of any such private collector's license. Each licensee shall carry for each vehicle, public liability and property damage insurance as required by law, sufficient to pay One Hundred Thousand (\$100,000.00) Dollars for one person injured in an accident, Three Hundred Thousand (\$300,000.00) Dollars for all persons injured in an accident, and Fifty Thousand (\$50,000.00) Dollars for property damage and shall give evidence of insurance prior to the issuance of the license.

B. Worker's Compensation and other Insurance. The Township may require of private and Township Contractors other bonds and insurance including Worker's Compensation Insurance to insure the Township that the obligations of the contractors will be sufficiently performed and discharged, and the safety of the Township will be protected in the event that they are not.

**Section 65-09. Duration of License.** Each private collector or Township Contractor license shall continue for a period of one (1) year from the date set by the Township Board by Resolution, except that the same may be revoked as herein provided with no refund.

**Section 65-10. Refusal and Revocation of License**

Any application for license may be refused and any license issued under this Ordinance may be revoked by the Supervisor when the applicant or licensee has made a false or fraudulent statement in such application or in the operation of his business, or whenever such business is conducted in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health and welfare of the public, or whenever such applicant or licensee is unable to satisfactorily meet or perform the requirements and provisions of this Ordinance, and the approved rules and regulations of the Township Board. In the event of such refusal or revocation, the applicant or licensee shall be entitled to have a hearing before the Township Board, and the Supervisor, shall in such case give the applicant or licensee a notice of such hearing at least three (3) days prior thereto.

**Section 65-11. Duties of Licensee**

A. Any private collector, or Township Contractor licensee under the provisions of this Ordinance, shall provide someone to regularly answer all complaints made, and to properly dispose of same.

B. The licensee shall make all collections of commercial, municipal refuse, garbage and rubbish, in enclosed, water-tight, packer-tight trucks.

C. Any private collector or Township Contractor licensee under this Ordinance shall pay any judgment which may be obtained against the Charter Township of Superior, whether alone or with said licensee on account of any injury, or damage to any person or property by reason of

any license granted hereunder and said licensee upon demand of the Township shall intervene and defend any such suit or action thereof upon notice thereof given by the Clerk of the Charter Township of Superior to said licensee.

D. All vehicles used by the licensee in the collection and disposal of commercial and municipal refuse, garbage and rubbish under the provisions of this Ordinance shall have, on both sides thereof, the name of the licensee and business plain, unobscured letters of not less than four (4) inches in height.

E. The licensee shall collect commercial municipal refuse, garbage and rubbish, by emptying the contents of the receptacle into licensee's vehicle and returning the receptacle to the place on the customer's property from which it was removed, replacing the, cover. All receptacles shall be so handled and emptied that no garbage is spilled on the premises of the customer nor in any street area.

F. The licensee shall so load the vehicle that as soon as any compartment of the licensee's vehicle is filled, the same shall be immediately covered with a metal cover.

**Section 65-12. Duties of Owner, Occupants**

A. It shall be the duty of every person producing or causing to be produced residential, municipal refuse (garbage and rubbish) to provide and keep on his premises or property, occupied or used by him, sufficient containers to handle all of the accumulations of such refuse on such premises or property in the interval between collections.

B. It shall be the duty of every person producing or causing to be produced residential, municipal refuse (garbage and rubbish) to provide containers that are water tight and secure.

C. It shall be the duty of every person to keep all garbage and rubbish containers on his premises in a sanitary condition and maintained so that same will not be a nuisance to the health and safety of the citizens of the Charter Township of Superior.

D. It shall be the duty of every person producing or causing to be produced residential, municipal refuse (garbage and rubbish) not to allow such to remain exposed in any building or on any premises owned, occupied or used by such persons for a longer time than shall be reasonably necessary to remove and deposit same in proper containers.

E. It shall be the duty and responsibility of each householder or occupant of each residential unit or multiple-family dwelling place within the Township which is a private residence, to place or cause to be placed such container or containers (together with bundles and bushel baskets) pending collection at the front curb line or in the event there is no curb line, at the edge of the nearest public street fronting the dwelling unit.

F. It shall be the duty of the head of every family occupying or in possession of any house, building, flat, apartment or dwelling place within the Township, which is a private residence, to place or cause to be placed such container or containers (together with bundles and

bushel baskets) pending collection at the front curb line or in the event there is no curb line, at the edge of the nearest public street fronting the dwelling unit.

G. It shall be the duty of the owner, contractor or other person responsible for construction work to remove from the premises within a reasonable time after the completion of such construction work all surplus construction material and building refuse materials.

H. Disposition of Garbage All garbage shall be placed in receptacles as provided herein and the receptacles placed out for collection as provided herein.

I. Bulk Rubbish Rubbish too large for containers shall be reduced to as near three foot lengths as possible, collapsed or compressed and securely tied or fastened in bundles weighing not more than fifty (50) pounds.

J. Disposition of Rubbish All rubbish shall be placed in receptacles when size permits or bundled as provided herein and placed out for collection as provided herein.

K. Occupant's Duty It shall be the duty of each occupant, or owner when the premises are unoccupied, to keep his premises free from garbage or rubbish and to make inquiry of the day, time, and place of collection at his address and to set out such garbage and rubbish accumulated by him on each and every collection day.

L. Garbage Storage No person shall permit garbage to be stored upon his premises except in containers as provided hereunder and all containers must be kept leakproof and tightly covered at all times.

M. Rubbish Storage No person shall permit rubbish to be stored upon his premises except in the manner as hereunder provided.

N. Accumulation No person shall permit garbage or rubbish to be accumulated on their premises beyond a regular collection day and it shall be the duty of every person in charge of the premises to properly prepare all garbage and rubbish, as provided hereunder and place it out as required hereunder for the next regular collection day.

### **Section 65-13. Commercial and Industrial Establishments**

(1) Commercial Establishments. It shall be the duty of the owner, proprietor, or person in charge of every commercial establishment to collect, or cause to be collected and disposed of at his own expense all commercial refuse in excess of the established volume limitations prescribed in the approved rules and regulations of the Charter Township of Superior.

(2) Industrial Establishments. It shall be the duty of the owners, operator, manager or person in charge of any manufacturing factory, plant or enterprise to collect or cause to be collected and disposed of at his own expense all industrial garbage in excess of the volume limitations established by the approved rules and regulations of the Charter Township of Superior and all industrial rubbish and industrial refuse.

**Section 65-14. Recycling at Multifamily Apartment Complexes and Manufactured Home Communities**

All multifamily residential housing communities of any nature, including but not limited to, apartment complexes, condominiums, manufactured home communities, and mobile home parks, shall provide recycling to the residents of such housing communities.

**Section 65-15. Dumping Within the Township Prohibited, Exception**

No municipal refuse, garbage, sewage, filth, refuse, waste, trash, debris, rubbish or industrial refuse, including cans, bottles, waste paper, cartons, boxes and crates, or other offensive or obnoxious matter, shall be kept in open containers or piled, placed, dumped or disposed of on any land within the Township; provided that nothing contained in this article shall prevent the Township from establishing or contracting for the use of a dump or sanitary land fill site for the exclusive use of the residents of the Township.

**Section 65-16. Putting Out and Removing Receptacles**

No accumulation of garbage or rubbish shall be placed out for collection prior to noon of the day preceding the designated collection day and all receptacles must be taken in prior to noon of the following day.

**Section 65-17. Safety**

No person shall deposit, spill or leave any matter or thing whatsoever on either public or private property or cause the same to be done which may result in injury or damage to person, animal or property.

**Section 65-18. Scattering**

It shall be unlawful for any person to scatter or leave any matter or thing whatsoever on either public or private property or cause the same to be done, which will result in or contribute toward any unsightly conditions within the Township.

**Section 65-19 Rates for Collection**

A. The Township Board shall solicit competitive bids for residential municipal waste collection, including recycling, and award a contract for sole responsibilities for residential municipal waste and recycling collection for the entire Township or any section therein as determined by the Township Board. The contract shall be awarded to the contractor with the best ability to perform the duties specified in the bid for the lowest price as determined by the Board. The lowest price will not necessarily guarantee the awarding of the contract. With the concurrence of the contractor, the Township Board shall approve the days and times of collection.

B. Residential. Normal collection service of one collection per week shall be provided for residents. The Supervisor shall provide a special pick-up collection when he determines that such collection is warranted.

C. The collection of municipal refuse is conditioned upon the observance of all provisions of this ordinance. Collection is subject to weather and other conditions beyond the Township's control.

D. It shall be unlawful for any person other than municipal street and alley cleaners, municipal refuse collectors, or other authorized persons to interfere with garbage and rubbish placed in the streets, alleys, and public places of the Charter Township of Superior for collection by municipal authorities, or to interfere in any way with garbage or rubbish receptacles in the Charter Township of Superior.

**Section 65-20. Transportation.**

The transportation of all garbage, offal, rubbish or other waste materials through the streets, alleys, or through fares of the Charter Township of Superior shall be conducted in such a manner as to create no nuisance. It shall be unlawful for any person, firm or corporation to transport, cart, carry or convey through or over any of the streets, alleys, or public places of the Charter Township of Superior any garbage, unwashed refuse, or unwashed food containers without the written consent of the Township Board. Whenever such permission is granted, the vehicle used for such purposes shall be water tight and provided with a suitable covering. It shall be unlawful for any firm, or corporation to transport or to otherwise convey through or over any of the public streets or public places of the Charter Township of Superior any rubbish or other waste material except under written consent of the Township Board, except rubbish or waste material accumulating on property owned or controlled by him and then only by approved methods of conveyance.

**Section 65-21. Penalty.**

Any person violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Five Hundred (\$500.00) and cost of prosecution or by imprisonment not to exceed ninety (90) days or both such fine and imprisonment. (Ordinance 94 – December 16, 1987)

**Section 65-22. Savings Clauses.**

If any section, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional such decisions shall not effect the validity of the remaining portions of the Ordinance. The Charter Township of Superior hereby declares that it would have passed this Ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that only one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 65-23 Effective Date**

This ordinance shall be effective on publication as required by law.

Adopted May 31,1979, amended November 16, 1987 and February 19, 2008.